

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

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NII-JII ENTERTAINMENT, LLC AND R.A.P. I, LLC,  
individually and on behalf of others similarly  
situated,

Plaintiffs,

v.

Case No. 07-C-0890

ARGOSY GAMING COMPANY, individually and as  
successor in interest to ARGOSY OF KENOSHA CO.,  
INC.,

Defendants.

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**ORDER CERTIFYING CLASS AND FOR PRELIMINARY  
APPROVAL OF PROPOSED SETTLEMENT**

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Upon the joint motion of the parties and all of the records, files and proceedings herein,

**IT IS ORDERED** that:

1. For purposes of considering a settlement now proposed by the parties, and effecting the settlement if the court gives final approval to it as requested by the parties, the court hereby certifies the following plaintiff class:

All individuals and entities (of their successors) that hold or since December 31, 2001 have held ownership shares in NII-JII Entertainment, LLC, other than Dennis M. Troha, Seven T's Plus, LLC, Robert J. Wessels, Joseph Wessels, RJW/LLW Farming Group, RJS/LLW Trust, Morgan F. Murphy, Jr., Morgan F. Murphy, III, Robert D. Boyle, or Murphy and Boyle, P.C., or any of their respective family members, heirs, successors or assigns, or any entities owned or controlled by any of them.

2. The class certification provided for in ¶ 1 is provisional and subject to final approval of the settlement proposed by the parties; in the event final approval is not given by the

court to that settlement and final judgment dismissing the above-entitled action is not thereupon entered, the class certification provided for above shall be vacated, without prejudice to the ability of any party thereafter to request or oppose class certification on any basis.

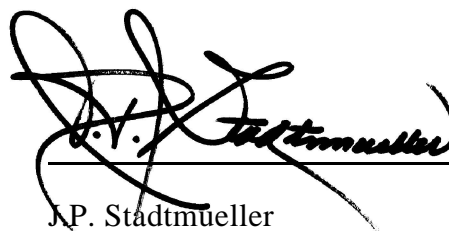
3. Attorneys George P. Kersten and E. Campion Kersten, Kersten & McKinnon, S.C., 11518 North Port Washington Road, Suite 104, Mequon, Wisconsin 53092, are hereby appointed as counsel for the plaintiff class.

4. Within ten days of the entry of this order, counsel for the plaintiff class shall mail by first class mail to the members of the plaintiff class at their last-known addresses, a copy of the notice signed by the court in the form attached hereto as Exhibit A, pursuant to which members of the plaintiff class shall have the right to opt out of the class or to object to the terms of the proposed settlement.

5. The court will hold a hearing on **Wednesday, June 11, 2008, at 9:30 a.m.** to hear and decide any objections to the proposed settlement and determine whether it is fair, reasonable, adequate and in the best interests of the class pursuant to Fed. R. Civ. P. 23(e) and other applicable law.

Dated at Milwaukee, Wisconsin, this 15th day of April, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller  
U.S. District Judge